

REMARKS/ARGUMENTS

The above amendments and these remarks are in response to the Office action mailed on November 3, 2009. Claim 39 has been amended. Claims 43-61 have been added and are directed to subject matter as originally filed. No new matter has been added. Claims 1-4, 7-29, 31-33, 35-37, 39-41 and 43-61 are now pending in this application. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

Four Substitute Declarations for Reissue Patent Application from the inventors are being submitted herewith.

The Examiner rejected claim 39 under 35 U.S.C. §102(e) as being anticipated by Overstreet et al., U.S. Patent No. 5,492,186. According to the Examiner, Overstreet et al. discloses a rock bit having teeth including a hardface comprising steel and spherical cast carbide. Claim 39 is now amended to require that the hardface comprises a filler having a first weight percent of spherical cemented tungsten carbide particles and a second weight percent of spherical cast carbide particles wherein the first weight percent is greater than the second weight percent. Claim 53 has been added to also require that the hardface has a first weight percent of spherical cemented tungsten carbide particles and a second weight percent spherical cast carbide particles, wherein the second weight percent is greater than the first weight percent. These features do not appear to be disclosed by Overstreet et al. As such, Applicants submit that claim 39 and added claim 53 are not anticipated by Overstreet et al. Claims 43-52 are directly or indirectly dependent from claim 39. Claims 54-61 are directly or indirectly dependent from claim 53. Thus, Applicants submit that claims 43-52 and 54-61 are also not anticipated by Overstreet et al. for the same reasons that Overstreet et al. does not anticipate the claims from which claims 43-52 and 54-61 depend from, and for the additional limitations that these claims contain therein.

Support for the amendment to claim 39 and added claims 43-61 is found in the application as originally filed, and more specifically on the table, at page 6, column 7.

Appln No. 09/637,764

Amdt date May 3, 2010

Reply to Office action of November 3, 2009

The rejection to the claim pending in this application is believed to have been overcome and this application is now believed to be in condition for allowance. Should the Examiner have any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Constantine Marantidis
Reg. No. 39,759
626/795-9900

CM/mml

MML PAS883363.1 *-05/3/10 11:42 AM